

ESTTA Tracking number: **ESTTA187191**

Filing date: **01/17/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	The Federation Of The Swiss Watch Industry		
Entity	Unincorporated Association	Citizenship	Switzerland
Address	Rue d' Argent 6 Biennes, CH-2501 SWITZERLAND		

Attorney information	Amy J. Benjamin, Esq. Darby & Darby P.C. 7 World Trade Center 250 Greenwich Street New York, NY 10007-0042 UNITED STATES tmdocket@darbylaw.com, abenjamin@darbylaw.com, ssaxon@darbylaw.com Phone:212.527.7700
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Applicant Information

Application No	77230495	Publication date	12/18/2007
Opposition Filing Date	01/17/2008	Opposition Period Ends	01/17/2008
Applicant	First SBF Holding, Inc. 23 Dover Terrace Monsey, NY 10952 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 2007/06/28 First Use In Commerce: 2007/06/28 All goods and services in the class are opposed, namely: Watches
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
The mark is primarily geographically deceptively misdescriptive	Trademark Act section 2(e)(3)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3047277	Application Date	08/16/2002
Registration Date	01/24/2006	Foreign Priority Date	NONE
Word Mark	SWISS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class A. First use: First Use: 1931/00/00 First Use In Commerce: 1931/00/00 HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, NAMELY, WATCHES, CLOCKS AND THEIR COMPONENT PARTS AND FITTINGS THEREOF

U.S. Registration No.	3038819	Application Date	08/16/2002
Registration Date	01/10/2006	Foreign Priority Date	NONE
Word Mark	SWISS MADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class A. First use: First Use: 1931/00/00 First Use In Commerce: 1931/00/00 HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, NAMELY, WATCHES, CLOCKS AND THEIR COMPONENT PARTS AND FITTINGS THEREOF		

Related Proceedings	Opposition No. 91181746 (SN 77/217,985 - SWISS CALIBRE)
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Attachments	76442496#TMSN.gif (1 page)(bytes) 76442497#TMSN.gif (1 page)(bytes) 01389789.PDF (4 pages)(30708 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Amy J. Benjamin/
Name	Amy J. Benjamin, Esq.
Date	01/17/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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FEDERATION OF THE SWISS WATCH INDUSTRY,	:	
	:	
Opposer,	:	Opposition No.
	:	(Serial No. 77/230,495)
v.	:	
	:	
FIRST SBF HOLDING, INC.,	:	
	:	
Applicant.	:	
	:	
	X	

NOTICE OF OPPOSITION

In the matter of the trademark application of First SBF Holding, Inc. (“Applicant”) for registration of SWISS MILITARY CALIBRE in Class 14 for “watches” (“Applicant’s Goods”), Application Serial No. 77/230,495 filed July 16, 2007 and published in the Official Gazette on December 18, 2007.

Federation of the Swiss Watch Industry (“Opposer”), an unincorporated association formed under the laws of Switzerland, Rue d’ Argent 6, CH-2501, Biennes, Switzerland, believes it will be damaged by registration of SWISS MILITARY CALIBRE in Class 14 as sought under Application Serial No. 77/230,495 (the “Application”) and hereby opposes the same.

The grounds for opposition are:

1. For many years, Opposer has been the Swiss watch industry's leading trade association. Opposer is a non-profit association with over 500 members representing more than 90% of all Swiss watch manufacturers. Opposer counts such renown watch manufacturers as Cartier, Breitling, Baume & Mercier, Gucci, Longines, Movado, Omega, Piaget and Rolex among its members.

2. Opposer's responsibilities to its members include representing and defending its members' interests through legal proceedings as well as protecting and supporting its members' overall common interests and policy goals regarding the watch industry generally.

3. In order to be classified as a true "Swiss" or "Swiss made" watch by Opposer, a given watch must satisfy an exacting set of standards. As a result, those watches emanating from Switzerland enjoy an unsurpassed reputation for combining quality, craftsmanship, and aesthetic beauty. Therefore, the intrinsic value of a watch's Swiss origin is immeasurable.

4. For over 70 years, Opposer's Certification Marks SWISS and SWISS MADE have been used to denote those timepieces which it determines meet the high standards it demands of a timepiece wishing to claim entitlement to assertions of Swiss lineage. Only a watch which is truly of Swiss Origin will be certified as SWISS or SWISS MADE by Opposer. A watch is truly SWISS or SWISS MADE if its movement is Swiss, its movement is cased up in Switzerland and the manufacturer carries out the final inspection in Switzerland.

5. Opposer is the owner of Registration Nos. 3,047,277 and 3,038,819 for the Certification Marks SWISS and SWISS MADE, respectively, for use in connection with "horological and chronometric instruments, namely, watches, clocks and their component parts and fittings thereof."

6. Upon information and belief, Applicant is a corporation organized and existing under the laws of New York. Upon information and belief, Applicant manufactures and sells watches in Class 14 which do not originate in Switzerland and do not meet the high standards used by Opposer to certify such goods as being of Swiss origin.

7. Upon information and belief, Applicant uses SWISS MILITARY CALIBRE in connection with the sale of goods identical to those sold by Opposer's members, to the identical customers, through the same channels of trade.

8. When used in connection with the goods of the Applicant, SWISS MILITARY CALIBRE will be immediately understood by the relevant public as a geographic indicator signifying a watch that originates from Switzerland. Believing they are purchasing a true Swiss watch, when in fact they are not, consumers are likely to be influenced in their purchasing decisions by Applicant's use of SWISS MILITARY CALIBRE.

9. Upon information and belief, when used in connection with Applicant's Goods, SWISS MILITARY CALIBRE is a deceptive mark and therefore may not be registered pursuant to Section 2(a) of the Trademark Act, § 15 U.S.C. 1052(a).

10. Upon information and belief, when used in connection with Applicant's Goods, SWISS MILITARY CALIBRE is primarily a geographically deceptively misdescriptive mark and therefore may not be registered pursuant to Section 2(e)(3) of the Trademark Act, § 15 U.S.C. 1052(e)(3).

11. Upon information and belief, a grant of registration to the Applicant would bestow upon Applicant the right to use a mark which confuses consumers into mistakenly

believing that Applicant's Goods are of the same country of origin, and therefore of a comparable level of quality, as those of Opposer's members, thereby creating damage to Opposer and its members.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that the Application be refused registration.

Respectfully submitted,

DARBY & DARBY P.C.

By: 

Andrew Baum
Amy J. Benjamin
7 World Trade Center
250 Greenwich Street
New York, New York 10007-0042
Tel. (212) 527-7700
Fax (212) 527-7701

Attorneys for Opposer
Federation Of The Swiss
Watch Industry

Dated: January 17, 2008
New York, New York